

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
Tuesday, May 19, 2015**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, May 19, 2015 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Patrick G. Call, Chairman; Ann English, Vice-Chairman; Richard R. Searle, Member
Staff Michael J. Ortega, County Administrator Emeritus; Jim Vlahovich, County Administrator;
Present: Britt W. Hanson, Chief Civil Deputy County Attorney; Arlethe G. Rios, Clerk of the Board

Chairman Call called the meeting to order at 10:00 a.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

PLEDGE OF ALLEGIANCE

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of May 5, 2015.
2. Approve an Intergovernmental Agreement (IGA) with the City of Willcox for the operation of an animal shelter with a renewal option of ten years.
3. Approve a letter to Governor Doug Ducey asking that Cochise County continue to be designated as a local workforce development area for the counties of Cochise, Greenlee, and Graham.

County Sheriff

4. Approve the Work and Financial Plan, Agreement Number 15-73-04-0228-RA, between Cochise County and the U.S. Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services to assign a Wildlife Specialist to Cochise County for predator and disease control for the term of July 1, 2015 through June 30, 2016 in the amount of \$34,858.
5. Approve a contract for Stone Garden funding from the Department of Homeland Security (DOHS) for reallocated funding from fiscal year 2013 in the amount of \$189,000 in Overtime and Mileage to be utilized before July 31, 2015.

Finance

6. Approve demands and budget amendments for operating transfers.

Warrants Nos. 89380-89573 were issued in the amount of \$529,131.71.

Pursuant to A.R.S. §11-217(C), the published minutes shall include all demands and warrants approved by the Board in excess of one thousand dollars except that multiple demands and warrants from a single supplier or individual under one thousand dollars whose cumulative total exceeds one thousand dollars in a single reporting period shall also be published. Issued warrants are listed as an attachment at the end of the minutes.

Procurement

7. Approve the award of RFP 15-24-HEA-03 Pharmacy Services to Contract Pharmacy Services in the estimated amount of \$70,000 for the Jail Health Department for the period of June 1, 2015 through May 31, 2016.

Supervisor Searle noted that there had been a typo and the minutes being approved were from May 12th not May 5th.

Vice-Chairman English moved to approve items 1 - 7 on the Consent Agenda. Supervisor Searle seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Community Development

8. Adopt Resolution 15-05 to adopt the Final Cochise County Comprehensive Plan.

Ms. Beverly Wilson, Planning Director, presented this item. Ms. Wilson explained that the work presented today was a culmination of years of work to update the plan with policies that address current issues. She noted that the Board had made changes at the first public hearing on March 24, 2015, and per statute had to send those changes back to the Planning & Zoning Commission for review. She said that the commission did review it and did not suggest any changes and sent it back to the Board for your approval.

Supervisor Searle said he appreciated the time staff and the commission had spent updating the comprehensive plan.

Vice-Chairman English said it was important to adopt the changes in order to make things easier for the residents and adjust issues as they come up.

Supervisor Searle asked if the plan would be approved with the Board's changes made at the last meeting.

Vice-Chairman English said she wanted to approve with the changes the Board made.

Chairman Call opened the public hearing.

Mr. Harry Stacey, representing J6 Community Development Organization (CDO) and also a Benson resident, addressed the Board regarding his concerns on the comprehensive plan and stated that the plan should give guidance in a flexible way instead of being very

specific. He added that residents should have the ability to have input and that the plan reflect the views of the citizens.

Ms. Mary McCool, representing J6 Community Development Organization (CDO) and also a Benson resident, addressed the Board regarding her concerns about the plan keeping and protecting the rural character by making small changes to that policy in the plan.

No one else chose to speak and Chairman Call closed the public hearing.

Supervisor Searle asked if the Board was interested in discussing the request made from Ms. McCool.

Vice-Chairman English said that enough research had been done and she wanted to move forward with the current plan.

Chairman Call said he was also interested in moving this forward and noted that the Board could always make changes as needed.

Supervisor Searle moved to adopt Resolution 15-05 to adopt the Final Cochise County Comprehensive Plan as submitted to the Planning & Zoning Commission. Vice-Chairman English seconded the motion.

Chairman Call called for the vote and it was approved 3-0.

9. Uphold or deny the April 8, 2015 authorization by the Planning and Zoning Commission for a medical marijuana cultivation and dispensary facility at 10990 N. Mormon Rd, Elfrida, AZ, APN 403-04-005.

Ms. Jesse Drake, Planner II, presented this item using a PowerPoint presentation. Ms. Drake gave the background of the item, showed a map of the location, and noted that staff had received one letter in opposition, and three letters of support. She stated that the main issue raised by the appellant was the possibility of criminal activity and added that staff contacted the Sheriff's Office to ensure criminal activity was not a factor and the Sheriff's Office reported that since July, 2015 there had only been three incidents countywide related to this type of business.

Chairman Call asked what type of incidents had occurred.

Ms. Drake said they were for drug paraphernalia. She continued that another reason for the appeal was a concern for junk on the property, but staff confirmed that the junk was not on the applicant's property, but in the neighbor's property. She noted that in order to cultivate medical marijuana a dispensary has to be built per State regulations.

Supervisor Searle asked how many other dispensaries were in the area.

Ms. Drake said she did not have an exact number, but estimated around three.

Supervisor Searle asked what the limitations were on people growing their own medical marijuana if a dispensary was built near by.

Ms. Drake said that the person would have to be 25 miles away from the dispensary.

Mr. Paul Wright, appellant, owns property across from the applicant's property and said that he thought there were plenty of dispensaries in the area and added that a border patrol was nearby and anyone carrying medical marijuana would be in trouble, since it is a federal

crime. He also noted that there is not Sheriff coverage in the area and it would take time to dispatch a deputy if an incident did happen.

Mr. Hector Crisantes, applicant, stated that the approval by the Planning & Zoning Commission was legal and although he understands the concerns of the appellant, he has taken the necessary steps to meet all the State regulations, including security. He noted that medical marijuana research conducted by the University of California showed that these types of dispensaries are actually a crime detractor and major incidents do not occur due to the security required to run this type of business.

Vice-Chairman English asked if the applicant lived on the property and if he would cultivate other products.

Mr. Crisantes said he did not currently live on the property, due to the business being seasonal, but would be moving there and added that he would be cultivating marijuana exclusively.

Chairman Call opened the public hearing.

No one chose to speak and Chairman Call closed to the public hearing.

Chairman Call asked Mr. Hanson what the scope of the Board is regarding these type of decisions.

Mr. Hanson said that the Board is only approving the land use. He noted that the State has the final approval of whether or not this location becomes a medical marijuana dispensary and they will take into account the security and the other dispensaries in the area. He clarified that the Board's role is not to give thoughts or opinions on medical marijuana, but focus on land use considerations.

Vice-Chairman English said that since it is a special use permit, it will greatly impact the rural area and there has not been overwhelming proof that this would benefit the community.

Chairman Call said that he disagreed with the appellants reason's for the objection and found that the Planning & Zoning Commission did a thorough job.

Mr. Hanson explained that upholding the decision would grant the special use permit and reminded the Board that this was an appeal, and that the standard on appeals was whether the Commission's decision was arbitrary and capricious.

Vice-Chairman English stated that her reason for denying the permit was that it would be a substantial change to the character of the community, who has voiced their opinion against it.

Supervisor Searle stated that his reason for denying the permit was because he was not sure the Planning & Zoning Commission took into consideration the substantial opposition of the community.

Chairman Call stated that his reason for approving the permit was because he did not see an issue with the way the Planning & Zoning Commission had made their decision.

Vice Chairman English moved to deny the April 8, 2015 authorization by the Planning and Zoning Commission for a medical marijuana cultivation and dispensary facility at 10990 N. Mormon Rd, Elfrida, AZ, APN 403-04-005. Supervisor Searle seconded the motion.

Chairman Call called for the vote and it was approved 2-0-1 (Call opposed).

ACTION

County Sheriff

10. Approve the Arizona Criminal Justice Information System User Agreement between the Cochise County Sheriff's Office and the Department of Public Safety for all criminal history inquiries and entries.

Mr. James E. Vlahovich, County Administrator, presented the item. Mr. Vlahovich said that the item should have been on the consent agenda and added that the only change in the agreement was to update the County Sheriff's information to the present County Sheriff, Mark Dannels.

Supervisor Searle moved to approve the Arizona Criminal Justice Information System User Agreement between the Cochise County Sheriff's Office and the Department of Public Safety for all criminal history inquiries and entries. Vice-Chairman English seconded the motion.

Chairman Call called for the vote and it was approved 3-0.

Elections & Special Districts

11. Adopt Resolution 15-11 to authorize a Vote Center Plan for implementation for all countywide elections beginning in 2016.

Ms. Katie Howard, Elections/Special Districts Director, presented this item using a PowerPoint presentation. She noted that this presentation would cover items 11 and 12.

Chairman Call noted that the public would be given an opportunity to speak, but anyone wanting to speak must fill out a speaker request form.

Ms. Howard continued with her presentation and said that staff's recommendation was to approve vote centers and approve the purchase of the ES&S Election system (hardware & software). She said voter centers would be cost effective and efficient, reduce the number of provisional ballots and voters will be able to vote anywhere in the county.

Chairman Call asked if item 12 included the details of the purchase.

Ms. Howard said that it did and said that the Board would be discussing exact locations at a future meeting where she would present several options and will bring back to the board possible configurations.

Vice-Chairman English said that the vote centers were great because they did allow any citizen to vote anywhere in the County.

Supervisor Searle said that their main focus is to ensure that all our communities can vote and it is convenient.

Ms. Sharon Thomas, Cochise Count Democratic Committee and St. David resident, addressed the Board regarding her concerns for a vote center concept and some possible chaos in changing the way voters in our County vote with new technology and new voting

area configuration. She also shared her concerns about how much money is spent on the number of voting centers being proposed.

Chairman Call said that he liked the system, but is also concerned with how quickly people can move through the line. He added that the Elections Department would be putting together an educational effort.

Vice-Chairman English said that it is a good plan, it will encourage more people to vote and does not think it will disenfranchise anyone.

Supervisor Searle said that vote centers make a lot of sense.

Chairman Call asked what the back up plan for this system was.

Ms. Howard said that the City of Tucson had also purchased the same system and an intergovernmental agreement could be put in place to use them as a backup and added that other counties in the State also have the system and they would be used as a back up plan, which is also a State requirement.

Vice-Chairman English moved to adopt Resolution 15-11 to authorize a Vote Center Plan for implementation for all countywide elections beginning in 2016. Supervisor Searle seconded the motion.

Chairman Call called for vote and it was approved 3-0.

12. Approve the acquisition of the Election Systems & Software (ES&S) election system, as directed by the Board, and authorize the Elections Director to prepare a Requisition for the Purchase Order and to sign the Software License Agreement and the Maintenance & Service Agreement, once finalized.

Ms. Howard continued the presentation and said that with the new system the County would be able to program their own ballots, which would mean additional cost savings. She went over the equipment needed for the voting process and added that she would set up an outreach program to educate voters.

Chairman Call asked about the pros and cons of leasing and doing an outright purchase.

Ms. Howard stated that after researching both options staff recommended an outright purchase, since the leasing cost is significantly higher. She mentioned that a purchase would also be a good option because the company is no longer upgrading the entire system, but instead just adding applications to stay current with election technology and voting trends.

Chairman Call asked about the length of the warranty.

Ms. Howard said the the warranty was for one year and covered both the software and hardware and the maintenance agreement could be extended for 5 years.

The Board asked Mr. Vlahovich for his recommendation.

Mr. Vlahovich recommended an outright purchase and asked that the Board approve a budget of \$1,100,000 for some flexibility and noted that this would not affect the expenditure limitation.

Supervisor Searle moved to approve the acquisition of the Election Systems & Software

(ES&S) election system in the total amount of \$1,100,000, as directed by the Board, and authorize the Elections Director to prepare a Requisition for the Purchase Order and to sign the Software License Agreement and the Maintenance & Service Agreement, once finalized. Vice-Chairman English seconded the motion.

Chairman Call called for the vote and it was approved 3-0.

Facilities

13. Approve Amendment No. 5 to Contract #090098DC lease with the Department of Corrections (DOC) for Property at Bisbee/Douglas International (BDI), which provides for sharing costs for repairing and improving the BDI water system.

Mr. Michael Ortega, County Administrator Emeritus, presented this item. Mr. Ortega said that the rate per 1,000 gallons would be as follows:

1. O&M - \$1.08
2. Recapitalization - \$0.34
3. Financing of Phase II - \$0.84

Total rate is \$2.26 (current rate is \$1.42)

He added that the Phase II financing would need to be reviewed next year based on the costs from the bids and the fixture allocation amounts (for DOC and County) and that DOC would pay \$93,500 for the engineering for Phase II once they receive the executed agreement.

Vice-Chairman English moved to approve Amendment No. 5 to Contract #090098DC lease with the Department of Corrections (DOC) for Property at Bisbee/Douglas International (BDI), which provides for sharing costs for repairing and improving the BDI water system. Supervisor Searle seconded the motion.

Chairman Call called for the vote and it was approved 3-0.

CALL TO THE PUBLIC

Chairman Call opened the call to the public.

Jack Cook addressed the Board on matters of personal concern.

No one else chose to speak and Chairman Call closed the call to the public.

This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda.

REPORT BY JAMES E. VLAHOVICH, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

Mr. Vlahovich stated that he would be attending the County Managers Association (CMA) meeting on Friday as well as an Arizona Counties Insurance Pool (ACIP) meeting. He added that on Saturday members from the Cochise County Vietnam Commemorative Committee would be placing flags on the tombstones of veterans for Memorial Day and noted that county offices would be closed on Monday in observance of Memorial Day.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Patrick Call

Chairman Call said that he had attended the presentation from Ms. Mary Darling, Darling Geomatics, regarding the use of drones for surveying and aerial photography, noted that the Bureau of Land Management (BLM) would be doing a presentation at a joint work session for the Board of Supervisors and the Public Lands Advisory Committee on the San Pedro Riparian National Conservation Area, and added that he was excited about the decision to purchase a new voting system.

Report by District 2 Supervisor, Ann English

Vice-Chairman English thanked staff for their work and attendance in the Photographic Memories Project in Douglas.

Report by District 3 Supervisor, Richard Searle

Supervisor Searle said he would be attending a Meeting in Dragoon regarding the Excelsior Mine, as well as a meeting in Bowie regarding the Arizona Department of Water Resources (ADWR), and a meeting in the Sulphur Springs Valley.

7.

Chairman Call adjourned the meeting at 11:46 a.m.

APPROVED:

Patrick G. Call, Chairman

ATTEST:

Arlenthe G. Rios, Clerk of the Board